

REMARKS/ARGUMENTS

Claims 10-21 are now pending. Favorable reconsideration is respectfully requested.

Applicants would like to thank Examiner Marx for the helpful and courteous discussion held with their representative on May 5, 2004. During that meeting, the issue of making a biological deposit and the definition of a minimal medium were discussed.

Applicants' representative also proposed adding claims directed to making a yeast extract which recited the claimed isolated strain, and noted the rejoinder practice. The Examiner indicated that such a claim would still be subject to restriction, but if the claims directed to the isolated strain were found to be allowable, then rejoinder practice would be followed.

Applicants note that Claims 10-15 are directed to the isolated strain and Claims 16-21 are directed to a method of making a yeast extract by culturing the strain recited in Claims 10-15. Accordingly, if the Examiner requires restriction, Applicants elect Claims 10-15 directed to the strain and request rejoinder of Claims 15-21 with the elected claims.

The rejection of the claims under 35 U.S.C. §112, first paragraph, based on the availability of a biological material is respectfully traversed. The claimed strain can be obtained from conventional strains including those which are commercially available.

As described in the specification, a conventional strain is subjected to mutagen treatment and a uracil-auxotrophic strain is identified in the mutated strains by culturing the strains on a SDFOA plate. Then, a DNA which is cloned by PCR using primers each having the nucleotide sequence of SEQ ID NO: 1 or 2 is introduced into the uracil-auxotrophic strain, and the claimed strain is obtained. These techniques are so common that a person skilled in the art can obtain the claimed strain using routine experimentation. Routine experimentation is not undue. Since the amount of experimentation is not undue, the claims are enabled. Withdrawal of this ground of rejection is respectfully requested.

The rejection Claims 1, 4, 5, and 9 under 35 U.S.C. §112, first paragraph, for an alleged lack of written description is believed to be obviated by the amendment submitted above.

Claims 4, 5, and 9 have been canceled, and the subject matter of those claims is not recited in newly-added Claims 10-19.

Claim 10 specifies that the minimal medium contains a nutrient for which said strain is auxotrophic or that the minimal medium does not contain glutathione. That feature of the invention is explicitly described in the specification at the paragraph bridging pages 10-11.

In view of the foregoing, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendment submitted above.

Claims 4 and 9 have been canceled and the subject matter of those claims is not recited in newly-added Claims 10-19. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 5 and 9 under 35 U.S.C. §102/§103 over Ohtake et al., Sugiyama et al., and Kuroda et al. are believed to be obviated by the amendments submitted above.

Claims 5 and 9 have been canceled and the subject matter of those claims is not recited in newly-added Claims 10-19. Accordingly, withdrawal of this ground of rejection is respectfully requested.

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Reply to Office Action of March 4, 2004

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

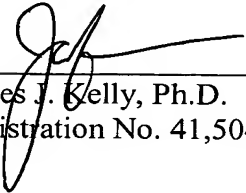
Respectfully submitted,

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